(23)

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. (C) No. 295/2007

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Appellant/ Non-Appellant No.	**The Oriental Insurance Company Limited** Malviya Nagar, Durg (CG) Through: Divisional Manager, Divisional Office, Malviya Nagar, Durg (CG)
	Versus
Respondent/ Applicant	1. **Dilip Kumar S/o Kaluram** Aged about 19 years R/o Bhilai District Durg (CG)
	2. **Raju Prasad Tiwari S/o Lakhan Prasad Tiwari** Aged about 30 years R/o Naya Para Ward No. 3 Balod District Durg (CG)

Present: Shri Vipin Tiwari, learned counsel for the appellant.

ORAL ORDER

(Passed on 9th March, 2007)

The following oral order was passed by Dilip Raosaheb Deshmukh, J.

2. Heard on I.A. No. 687/2007 for exemption from filing certified copy of order. Learned counsel for the appellant submits that no order under Section 170 of the Motor Vehicle Act was passed by the learned M.A.C.T. Considered and allowed.

3 Heard on admission. It is not disputed that the Matador bearing No. CG 07 C/1471 was insured by the appellant on the date of accident. Learned M.A.C.T. held that there was a breach of policy since the vehicle was being used for carrying passengers and therefore, granted right to the appellant/Insurer to recover the amount of compensation paid by him to the owner. The breach not being fundamental in nature did not in any manner contribute to the accident. The learned M.A.C.T. while imposing liability on the insurer to pay the compensation, has rightly given him the right to recover the same from the owner.

4. There is no merit in the appeal which is being dismissed at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya